

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

TANA L. WELLS,)	
)	
Plaintiff,)	
)	
vs.)	No. 14-00911-CV-W-FJG-SSA
)	
CAROLYN W. COLVIN,)	
)	
Defendant.)	

ORDER

Currently pending before the Court is plaintiff's Application for Attorney Fees Pursuant to The Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. (Doc. # 21). Plaintiff requested fees in the amount of \$5,250.00, representing 30.1 hours of attorney work at the rate of \$190.09 for 2014, \$190.28 for 2015 and \$190.20 for 2016. Plaintiff's counsel is also requesting reimbursement of the \$400.00 filing fee. The total amount of fees billed amounts to \$5,726.77, but plaintiff's counsel had reduced the fees requested to \$5,250.00. The Government has no objection to plaintiff's fee application. The Government notes that pursuant to Astrue v. Ratliff, 560 U.S. 586, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the EAJA fee is payable to plaintiff and may be subject to offset to satisfy any pre-existing debt plaintiff may owe to the United States. However, the Government notes that if there is no debt owed by plaintiff, then the fee will be made payable to plaintiff's counsel based on the fee agreement signed by plaintiff. Additionally, the Government notes that the filing fee is a cost which is distinguished from an expense under the EAJA and plaintiff should be compensated for the \$400.00 filing

fee from the Judgment Fund administered by the United States Treasury.

Accordingly, it is hereby **ORDERED** that plaintiff's application for attorney fees is **GRANTED** (Doc. #21), and plaintiff shall be awarded payment of \$5,250.00 in attorney fees to be paid by the Social Security Administration and \$400.00 to be paid by the Judgment Fund administered by the United States Treasury.

Date: April 12, 2016
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge